



MEMORANDUM

MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

We strive to be caring, professional and fair

To: Planning Commission

Through: Townsley Schwab, Senior Director of Environmental & Planning Resources *TS*
Mitch Harvey, AICP, Comprehensive Plan Manager *MH*

From: Kathy Grasser, Comprehensive Planner *KG*

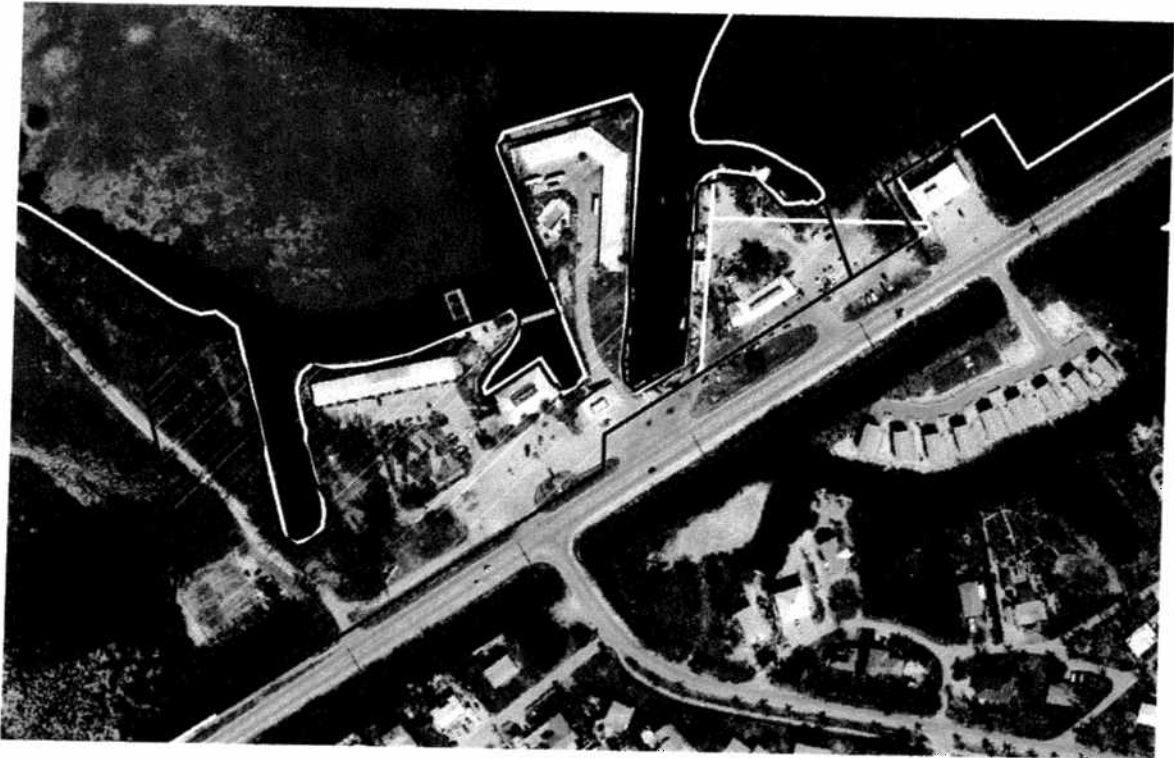
Date: April 22, 2010

Subject: Request for an Amendment to the Land Use Regulations creating Section 130-131, creating the Lower Sugarloaf Key Community Center Overlay District

Meeting: April 28, 2010

I REQUEST

A request by Planning and Environmental Resources Department staff to amend the Land Use Code by creating new Section 130-131-The Lower Sugarloaf Key Community Center Overlay District, simultaneously with the land use district map amendment requested by the property owner for the same geographic area.



Address: 17001 – 17075 Overseas Highway, Lower Sugarloaf Key
Florida, Mile Marker 16 – 17

Real Estate Numbers: All of RE 00117930.000000
A portion of RE 00118420.000000
A portion of RE 00118470.000000

Descriptions: A portion of Government Lot 3 and portion of Government Lot 4,
Section 3, Township 67 South, Range 27 East and a portion of
Government Lot 3, Section 34, Township 66 South, Range 27 East,
Sugarloaf Key, Monroe County, Florida and a portion of
Government Lot 3, Section 34, Township 66 South, Range 27 East,
Sugarloaf Key, Monroe County, Florida at 17001 Overseas
Highway, Lower Sugarloaf Key, at approximately Mile Marker 17

II PROCESS

Amendments may be proposed by the Board of County Commissioners (BOCC), the Planning Commission, the Director of Planning, or the owner or other person having a contractual interest in property to be affected by a proposed amendment. The Director of Planning shall review and process text amendment applications as they are received and pass them onto the Development Review Committee and the Planning Commission for recommendation and final approval by the BOCC.

The Planning Commission shall each hold at least one public hearing and the BOCC shall hold at least two public hearings on a proposed amendment. The Planning Commission shall review the application, the reports and recommendations of the Department of Planning & Environmental Resources and the Development Review Committee and the testimony given at the public hearing. The Planning Commission shall submit its recommendations and findings to the BOCC. The BOCC considers the staff report and recommendation of and the testimony given at the public hearing and may either deny or adopt. The amendment is transmitted to the Florida Department of Community Affairs (DCA).

III OVERLAY DISTRICT INFORMATION

The property owner of this land requested a land use district map amendment of Mixed Use. The Mixed Use category permits extensive intensity found to be inconsistent with the surrounding character of the community, without the corresponding overlay district proposed.

The purpose of the Lower Sugarloaf Key Community Center Overlay District is to implement the policies of the comprehensive plan, to protect the natural and man-made historic resources of the community and to encourage development that maintains the small scale and low intensity of Lower Sugarloaf Key, while encouraging the service type uses and community type development the community has recognized important to implement smart growth policies including having services and uses that do not necessitate travel long distances for residents. The goal is to protect and maintain the historic character of the densities and intensities within the Lower Sugarloaf Key Community Center Overlay District.

The draft Lower Keys (MM 14.20 – 29.0) Livable Communities Plan Policy Item 1.5.1 states: “The following areas designated as Mixed Use Commercial (MC) on the Future Land

1 Use Map (FLUM) will be evaluated to determine their potential for designation as Community
2 Centers.” Lower Sugarloaf Key (MM 16-17) is listed as one of the potential community
3 centers and has a FLUM of MC. While the Plan is still a draft, it does include
4 recommendations based on years of community input and reflects the overall general
5 recommendations. The subject parcels have a Mixed Use Commercial Future Land Use Map
6 (MC FLUM) designation.
7

8 The overlay district, as proposed, applies to the boundaries of which are described on the map,
9 attached as Exhibit C. The Sugarloaf Key Overlay District, when adopted, will become an
10 overlay to the Land Use District Map.
11

12 Policy 105.2.15 of the Monroe County Year 2010 Comprehensive Plan characterizes
13 Community Centers as a defined geographic area with a mix of retail, personal service, office
14 and tourist and residential uses. The lawfully established structures in this boundary offer the
15 residents as well as tourists use of motel, marina, restaurant, apartments and single family
16 residences, offices, auto body shop and a real estate office.
17

18 The tier for Real Estate number 00118420.000000 has been undesignated pursuant to Final
19 Order Number DC07-GM-166. The parcel will be evaluated by the Tier Designation
20 Committee and recommendations made to the BOCC.
21

22 **The Lower Sugarloaf Key Community Center Overlay Boundary:**

23 Legal Description:

24 Total Land: (Prepared by Mr. Fred Hildebrandt)

25 A portion of Government Lot 3 and Portion of Government Lot 4, Section 3,
26 Township 67 South, Range 27 East and a portion of Government Lot 3, Section 34,
27 Township 66 South, Range 27 East, Sugarloaf Key, Monroe County, Florida and
28 being more particularly described as follows (All references to Government Lot
29 Lines are per Bailey’s Survey of Sugarloaf Properties, December 22, 1972):
30

31 Begin at the intersection of the Northwesterly Line of U.S. Highway No. 1 (State
32 Road No. 5) and the West Line of Government Lot 3, of said Section 3; thence
33 N.00°16'32"E., along the said Government Lot Line a distance of 60.28 feet;
34 thence N.56°19'10"E., along the said Northwesterly Right-of-Way Line of U.S.
35 Highway No. 1 a distance of 644.56 feet; thence N.33°41'00"W., a distance of
36 110.00 feet; thence N.56°19'10"E., a distance of 157.47 feet thence meander the
37 Mean High Tide Line along natural shoreline, Concrete Seawalls, and man made
38 canals for the following 112 metes and bounds; thence S.89°59'13"W., a distance
39 of 39.25 feet; thence S.63°40'43"W., a distance of 125.84 feet; thence
40 S.52°19'26"W., a distance of 139.22 feet; thence S.81°00'25"W., a distance of 28.60
41 feet; thence N.49°28'21"W., a distance of 36.77 feet; thence N.44°25'27"W., a
42 distance of 56.18 feet; thence N.83°14'35"W., a distance of 35.52 feet; thence
43 S.73°27'37"W., a distance of 55.45 feet; thence S.16°04'40"W., a distance of 11.80
44 feet; thence S.08°43'26"E., a distance of 47.16 feet; thence S.03°53'20"W., a
45 distance of 14.59 feet; thence S.15°36'18"W., a distance of 14.67 feet; thence
46 N.88°55'31"W., a distance of 8.77 feet; thence S.03°25'47"W., a distance of 99.98
47 feet; thence S.02°57'49"W., a distance of 17.80 feet; thence S.05°37'36"E., a
48 distance of 27.23 feet; thence S.04°18'37"W., a distance of 80.00 feet; thence
49 S.29°03'10"W., a distance of 8.24 feet; thence S.58°12'03"W., a distance of 94.46

feet; thence N.44°15'14"W., a distance of 27.06 feet; thence N.05°53'54"W., a distance of 25.96 feet; thence N.00°27'22"E., a distance of 17.67 feet; thence N.06°04'01"E., a distance of 27.63 feet; thence N.08°28'38"E., a distance of 18.79 feet; thence N.05°15'40"E., a distance of 45.38 feet; thence N.03°11'25"W., a distance of 68.18 feet; thence N.01°01'22"E., a distance of 189.87 feet; thence N.89°07'33"W., a distance of 4.34 feet; thence N.00°59'43"E., a distance of 79.47 feet; thence N.07°26'49"W., a distance of 9.10 feet; thence N.80°53'10"W., a distance of 10.77 feet; thence S.70°37'47"W., a distance of 107.27 feet; thence S.75°11'06"W., a distance of 110.85 feet; thence N.31°25'52"W., a distance of 7.55 feet; thence S.45°41'00"W., a distance of 20.00 feet; thence S.12°56'49"E., a distance of 17.13 feet; thence S.23°15'23"E., a distance of 148.59 feet; thence S.22°11'53"E., a distance of 87.98 feet; thence S.22°07'09"E., a distance of 53.48 feet; thence S.89°05'36"E., a distance of 11.23 feet; thence S.17°43'53"E., a distance of 22.70 feet; thence S.21°46'32"E., a distance of 46.95 feet; thence S.24°32'10"E., a distance of 32.10 feet; thence S.16°46'14"E., a distance of 25.08 feet; thence S.82°11'34"W., a distance of 7.57 feet; thence S.46°06'51"W., a distance of 15.15 feet; thence S.40°40'00"W., a distance of 8.26 feet; thence S.75°50'28"W., a distance of 27.17 feet; thence N.34°49'37"W., a distance of 9.41 feet; thence N.86°53'25"W., a distance of 13.76 feet; thence S.79°27'09"W., a distance of 14.28 feet; thence S.74°36'52"W., a distance of 18.07 feet; thence S.62°19'33"W., a distance of 46.19 feet; thence S.64°17'02"W., a distance of 13.39 feet; thence S.56°50'06"W., a distance of 6.88 feet; thence S.75°59'06"W., a distance of 3.58 feet; thence N.83°26'32"W., a distance of 14.66 feet; thence N.66°30'52"W., a distance of 3.03 feet; thence N.34°15'31"W., a distance of 2.61 feet; thence N.07°05'54"W., a distance of 3.06 feet; thence N.38°42'24"W., a distance of 2.31 feet; thence N.54°10'15"W., a distance of 4.07 feet; thence N.30°57'03"W., a distance of 4.14 feet; thence N.08°54'19"W., a distance of 17.54 feet; thence N.07°24'27"E., a distance of 11.48 feet; thence N.26°55'05"E., a distance of 20.95 feet; thence N.36°45'25"E., a distance of 8.54 feet; thence N.39°54'31"E., a distance of 8.27 feet; thence N.42°41'53"E., a distance of 8.81 feet; thence N.45°02'39"E., a distance of 10.01 feet; thence N.46°00'46"E., a distance of 10.52 feet; thence N.43°30'16"E., a distance of 22.20 feet; thence N.36°38'25"E., a distance of 9.34 feet; thence N.27°19'49"E., a distance of 8.71 feet; thence N.09°53'03"E., a distance of 8.12 feet; thence N.14°25'46"W., a distance of 5.77 feet; thence N.29°34'21"W., a distance of 8.10 feet; thence N.27°43'11"W., a distance of 8.27 feet; thence N.19°14'14"W., a distance of 6.80 feet; thence N.21°40'53"W., a distance of 7.56 feet; thence N.39°27'59"W., a distance of 3.20 feet; thence N.67°23'31"W., a distance of 2.51 feet; thence S.83°41'23"W., a distance of 3.79 feet; thence S.62°02'51"W., a distance of 11.10 feet; thence S.55°00'14"W., a distance of 96.97 feet; thence S.58°44'30"W., a distance of 27.82 feet; thence S.71°47'47"W., a distance of 29.56 feet; thence S.66°18'30"W., a distance of 129.11 feet; thence S.77°18'41"W., a distance of 49.70 feet; thence N.89°13'39"W., a distance of 18.11 feet; thence S.80°45'45"W., a distance of 75.01 feet; thence N.76°26'39"W., a distance of 10.79 feet; thence S.86°24'08"W., a distance of 12.48 feet; thence S.63°10'25"W., a distance of 19.95 feet; thence S.50°26'45"W., a distance of 9.58 feet; thence S.65°06'48"W., a distance of 5.74 feet; thence S.02°28'04"W., a distance of 15.86 feet; thence S.30°01'28"W., a distance of 12.67 feet; thence S.44°36'29"E., a distance of 15.15 feet; thence S.15°09'31"E., a distance of 195.02 feet; thence S.15°49'58"E., a

1 distance of 26.50 feet; thence S.06°58'48"E., a distance of 24.39 feet; thence
2 S.17°44'08"W., a distance of 19.93 feet; thence S.39°59'05"W., a distance of 10.31
3 feet; thence S.54°24'35"W., a distance of 10.99 feet; thence S.68°48'10"W., a
4 distance of 11.09 feet; thence S.89°58'27"W., a distance of 21.32 feet; thence
5 N.65°14'43"W., a distance of 10.86 feet; thence N.47°15'08"W., a distance of 12.74
6 feet; thence N.28°56'26"W., a distance of 19.18 feet; thence N.13°02'50"W., a
7 distance of 63.96 feet; thence N.13°01'37"W., a distance of 70.92 feet; thence
8 N.13°36'04"W., a distance of 113.63 feet; thence N.15°10'25"W., a distance of
9 100.91 feet; thence N.59°53'45"W., a distance of 5.95 feet; thence S.75°02'38"W.,
10 and leaving the said shoreline a distance of 175.86 feet; thence S.14°57'22"E., a
11 distance of 356.02 feet; thence S.59°39'59"W., a distance of 77.48 feet; thence
12 S.30°16'10"E., a distance of 269.50 feet to the said Northwesterly Right-of-Way
13 line of U.S. Highway no. 1; thence N.56°19'10"E., along the said Northwesterly
14 Right-of-Way line of U.S. Highway No. 1 a distance of 792.73 feet to the Point of
15 Beginning. Parcel contains 481,358 square feet or 10.59 acres, more or less.
16
17

18 **IV CONSISTENCY**

19 The proposed amendment, as a corresponding recommended policy to be adopted
20 simultaneously with the land use district amendment requested by the applicant, is consistent
21 with the Monroe County Year 2010 Comprehensive Plan. Specifically, the amendment
22 furthers:
23

- 24 1. Goal 101 of the Monroe County Year 2010 Comprehensive Plan considers the
25 health and safety of people and protection of natural resources.
26
- 27 2. Goal 105 of the Monroe County Year 2010 Comprehensive Plan recognizes the
28 finite capacity for land development while balancing development with the natural
29 environment.
30
- 31 3. Goal 105 of the Monroe County Year 2010 Comprehensive Plan provides a
32 framework for future development and land acquisition for the next 20 years.
33
- 34 4. Policy 105.1 of the Monroe County Year 2010 Comprehensive Plan implements
35 smart growth initiatives with the CommuniKeys Master Plans and Land Acquisition
36 Programs.
37
- 38 5. Policy 105.1.5 of the Monroe County Year 2010 Comprehensive Plan directs
39 Monroe County to direct future residential development to Tier III lands in
40 accordance with Policy 105.2.2.
41
- 42 6. Goal 105.2.1 of the Monroe County Year 2010 Comprehensive Plan defines Tier I
43 as environmentally sensitive, development severely restricted and the retirement of
44 privately owned vacant lands should be used for resource conservation and passive
45 recreation purposes.
46
- 47 7. Policy 105.2.15 of the Monroe County Year 2010 Comprehensive Plan designates
48 Community Centers within areas designated as Tier III (Infill Area). A Community
49 Center is characterized as a defined geographic area with a mix of retail, personal

1 service, office and tourist and residential uses (generally of greater than 8 units per
2 acre).

3
4 The proposed amendment, as a corresponding recommended policy to be adopted
5 simultaneously with the land use district amendment requested by the applicant, is consistent
6 with the Florida Administration Code (F.A.C.), Chapter 9J-5. Specifically, the amendment
7 furthers:

- 8
9 1. 9J-5.006(3)(b)4 F.A.C. ensures the protection of natural resources and historic
10 resources.
11
12 2. 9J-5.0012(3)(b)1 F.A.C. protects, conserve, or enhance remaining coastal wetlands,
13 living marine resources, coastal barriers, and wildlife habitat.
14
15 3. 9J-5.0013(2)(c)3 F.A.C. protects native vegetative communities from destruction by
16 development activities.
17
18 4. 9J-5.0013(2)(c)5 F.A.C. restricts activities known to adversely affect the survival of
19 endangered and threatened wildlife.
20
21 5. 9J-5.0013(2)(c)6 F.A.C. protects conservation of the natural functions of existing
22 soils, fisheries, wildlife habitats, rivers, bays, lakes, floodplains, harbors, wetlands
23 including estuarine marshes, freshwater beaches and shores, and marine habitats.
24
25 6. 9J-5.0013(3)(b) F.A.C. directs development away from wetlands by using land use
26 factors such as type, intensity or density, extent, distribution and location of
27 allowable land uses and the types, values, functions, sizes, conditions and locations
28 of wetlands.
29

30 The proposed amendment, as a corresponding recommended policy to be adopted
31 simultaneously with the land use district amendment requested by the applicant, is consistent
32 with Principles for Guiding Development in the Florida Keys Area of Critical State Concern
33 pursuant to F.S. Chapter 380.0552(7). Specifically, the amendment furthers:

34
35 For the purposes of reviewing consistency of the adopted plan or any amendments
36 to that plan with the principles for guiding development and any amendments to the
37 principles, the principles shall be construed as a whole and no specific provision
38 shall be construed or applied in isolation from the other provisions.

- 39 (a). To strengthen local government capabilities for managing land use and
40 development so that local government is able to achieve these objectives
41 without the continuation of the area of critical state concern designation.
42
43 (b). To protect shoreline and marine resources, including mangroves, coral reef
44 formations, seagrass beds, wetlands, fish and wildlife, and their habitat.
45
46 (c). To protect upland resources, tropical biological communities, freshwater
47 wetlands, native tropical vegetation (for example, hardwood hammocks and
48 pinelands), dune ridges and beaches, wildlife, and their habitat.
49
50 (d). To ensure the maximum well-being of the Florida Keys and its citizens
51 through sound economic development.

- (e). To limit the adverse impacts of development on the quality of water throughout the Florida Keys.
- (f). To enhance natural scenic resources, promote the aesthetic benefits of the natural environment, and ensure that development is compatible with the unique historic character of the Florida Keys.
- (g). To protect the historical heritage of the Florida Keys.
- (h). To protect the value, efficiency, cost-effectiveness, and amortized life of existing and proposed major public investments, including:
1. The Florida Keys Aqueduct and water supply facilities;
 2. Sewage collection and disposal facilities;
 3. Solid waste collection and disposal facilities;
 4. Key West Naval Air Station and other military facilities;
 5. Transportation facilities;
 6. Federal parks, wildlife refuges, and marine sanctuaries;
 7. State parks, recreation facilities, aquatic preserves, and other publicly owned properties;
 8. City electric service and the Florida Keys Electric Co-op; and
 9. Other utilities, as appropriate.
- (i). To limit the adverse impacts of public investments on the environmental resources of the Florida Keys.
- (j). To make available adequate affordable housing for all sectors of the population of the Florida Keys.
- (k). To provide adequate alternatives for the protection of public safety and welfare in the event of a natural or manmade disaster and for a post disaster reconstruction plan.
- (l). To protect the public health, safety, and welfare of the citizens of the Florida Keys and maintain the Florida Keys as a unique Florida resource.

Pursuant to Chapter 380-0552(7) Florida Statutes, the proposed amendment, as a corresponding recommended policy to be adopted simultaneously with the land use district amendment requested by the applicant, is consistent with the Principles for Guiding Development as a whole and is not inconsistent with any Principle.

V ANALYSIS OF PROPOSED DENSITIES AND INTENSITIES (Exhibit A)

The property owner of this site requested a Mixed Use Land Use District designation for this area. Monroe County staff agrees that the uses permitted in the Mixed Use Land Use District are consistent with the overall intended land use characteristics appropriate for this geographic area. However, the density and intensity of the Mixed Use Land Use District are not characteristic of the existing, surrounding area, nor is it consistent with the vision or future proposed density and intensity of the area. To accomplish the uses desired for the community, as well as the provision of smart growth principals, Monroe County staff has proposed the development of an Overlay District to further limit, the overall density for residential and hotel/motel units and intensity of commercial development related to maximum commercial floor area ratio that would be permitted within the overlay district. ("Maximum Density / Intensity by Current Land Development

1 Regulation (LDR) without Overlay” and “Maximum Density / Intensity by Proposed Lower
2 Sugarloaf Key Community Center Overlay District” Exhibit A).

3
4 Lawfully established units and commercial floor area are sited in the Letter of Development Rights
5 Determination (Exhibit B), dated July 16, 2006. It states “The ‘Planning Department has
6 determined that fifty-five (55) transient dwelling units and two (2) permanent dwelling units may
7 be replaced, without going through the Residential Rate of Growth Ordinance (ROGO).
8 Additionally, eleven thousand three hundred and twenty-three (11,323) ft² of nonresidential floor
9 area may be rebuilt without going through the Nonresidential Rate of Growth Ordinance
10 (NROGO).

11
12 By creating the overlay district, the potential of large subdivisions and an overabundance of
13 commercial floor area are diverted by limiting the density and intensity into the small scale
14 character expressed in the draft Lower Keys Livable CommuniKeys Plan and consistent with the
15 character and scale of the surrounding neighborhood. Market rate residential dwellings units in the
16 Mixed Use Land Use District (MU LUDD), (without the corresponding Overlay District), would
17 have permitted 163 units and have now been significantly reduced in the overlay district to 102
18 units, a reduction of 61 units. Along the same line, affordable / employee housing units in the MU
19 LUDD, (without the corresponding Overlay District), may have permitted 191 residential units,
20 while 8 units are permitted in the overlay district.

21
22 Currently, there are 55 lawfully established transient units on the property. In the MU LUDD,
23 (without the corresponding Overlay District), ten (10) hotel units per acre or a total of 105
24 transient units (10 units x 10.59 acres) are permitted. Additionally, 3.5 recreational rentals spaces /
25 acre or a total of 38 spaces (3.5 x 10.59 acres) are permitted. With the overlay in place, a
26 maximum of seventy-five (75) hotel units and twenty five (25) recreational rentals are permitted.
27 This is a decrease of forty-three (43) transient units. As a note, if additional transient units are to be
28 developed above the lawfully established units, they will have to be transferred in from another
29 site, consistent with the Comprehensive Plan and Land Development Code.

30
31 Without the proposed overlay district, a maximum of floor area ratio (FAR) of 569,690 ft² may be
32 permitted. The proposed overlay district, limits maximizes square footage for commercial retail
33 and office at 20,758ft² FAR, a decreased difference of 548,932ft² FAR. This is a 96% decrease in
34 intensity.

35
36 Unlike the MU LUDD, in the overlay district the total number of units, rooms and spaces are not
37 cumulative and the total nonresidential structure square footage of FAR shall not exceed 20,758ft²
38 with the maximum structure size not to exceed 10,000ft². In the MU LUDD, the density and
39 intensity provisions are intended to be applied cumulatively so that no development shall exceed
40 the total density limits.

DENSITY / INTENSITY COMPARISON BETWEEN MU LUDD AND PROPOSED OVERLAY DISTRICT (above and beyond the lawfully structures)			
Land Use	Mixed Use LUD Density/Intensity (minus the existing dwelling units, spaces and FAR)	Proposed Overlay Density/Intensity (minus the existing dwelling units, spaces and FAR)	Difference Between Mixed Use LUD and Proposed Overlay Units and sq. ft. (minus the existing dwelling units, spaces and FAR)
Hotel	50	20	30 units (+)
Office	183,418	19,656	163,762 sq. ft. (-)
Marina	114,325	19,758	94,567 sq. ft. (-)
Perm. Residential	8	-	6 units (-)
Commercial Retail - Medium	105,074	10,507	94,567 sq. ft. (-)
Recreational Rentals	105	25	80 spaces/acre
Commercial Fishing	184,520	20,758.00	163,762 sq. ft. (-)
	163 Units and spaces	45 Units &/or spaces	118 units (-)
	557,337ft ²	9,435	547,902 FAR
Affordable / Employee Housing	189 units	6 Units	183 units
Total AH Residential Density	191 dwelling units	8 dwelling units	183 units

These uses shall not be cumulative.

A combination of hotel rooms or recreational rentals shall not exceed a total of 100 rooms and/or spaces.

No combination of commercial retail and office shall exceed 20,758 sq.ft. FAR.

There is a noticeable increase of densities and intensities between the proposed Community Center overlay and the MU LUDD. This table shows what can be added beyond what is lawfully established (i.e.: the existing dwelling units, transient rooms and FAR have already been accounted for).

- There is a difference of 108 units between the MU LUDD and the Overlay district:
 - 163 additional units may be permitted to be built in the MU LUDD
 - 45 additional units may be permitted to be built in the Overlay district
- There is a difference of 647,902 ft² FAR between the MU LUDD and the Overlay district:
 - 557,337 ft² additional FAR may be permitted to be built in the MU LUDD
 - 9,435 ft² additional FAR may be permitted to be built in the Overlay District
- There is a difference of 183 affordable housing dwelling units between the MU LUDD and the Overlay district:
 - 191 additional dwelling units may be permitted to be built in the MU LUDD
 - 8 additional dwelling units may be permitted to be built in the Overlay district

VI PROPOSED LAND DEVELOPMENT REGULATION TEXT

(Deletions are ~~stricken through~~ and additions are underlined.)

Section 1. Chapter 130, Article VII Division 2 shall be amended as follows:

Section 130-131. Lower Sugarloaf Key Community Center Overlay District

(a) The purpose of the Lower Sugarloaf Key Community Center Overlay District is to implement the policies of the comprehensive plan, to protect the natural and man-made historic resources of the community and to encourage development that maintains the small scale and low intensity of Lower Sugarloaf Key. The goal is to

1 protect and maintain the historic character of the densities and intensities within the
2 Lower Sugarloaf Key Community Center Overlay District.

3
4 (b) The Lower Sugarloaf Key Community Center Overlay District, shown on
5 attached Map Exhibit A, and is comprised of the following property legally
6 described as:

7
8 Legal Description:

9 Total Land: (Prepared by Mr. Fred Hildebrandt)

10 A portion of Government Lot 3 and Portion of Government Lot 4, Section 3,
11 Township 67 South, Range 27 East and a portion of Government Lot 3, Section 34,
12 Township 66 South, Range 27 East, Sugarloaf Key, Monroe County, Florida and
13 being more particularly described as follows (All references to Government Lot
14 Lines are per Bailey's Survey of Sugarloaf Properties, December 22, 1972):

15
16 Begin at the intersection of the Northwesterly Line of U.S. Highway No. 1 (State
17 Road No. 5) and the West Line of Government Lot 3, of said Section 3; thence
18 N.00°16'32"E., along the said Government Lot Line a distance of 60.28 feet;
19 thence N.56°19'10"E., along the said Northwesterly Right-of-Way Line of U.S.
20 Highway No. 1 a distance of 644.56 feet; thence N.33°41'00"W., a distance of
21 110.00 feet; thence N.56°19'10"E., a distance of 157.47 feet thence meander the
22 Mean High Tide Line along natural shoreline, Concrete Seawalls, and man made
23 canals for the following 112 metes and bounds; thence S.89°59'13"W., a distance
24 of 39.25 feet; thence S.63°40'43"W., a distance of 125.84 feet; thence
25 S.52°19'26"W., a distance of 139.22 feet; thence S.81°00'25"W., a distance of 28.60
26 feet; thence N.49°28'21"W., a distance of 36.77 feet; thence N.44°25'27"W., a
27 distance of 56.18 feet; thence N.83°14'35"W., a distance of 35.52 feet; thence
28 S.73°27'37"W., a distance of 55.45 feet; thence S.16°04'40"W., a distance of 11.80
29 feet; thence S.08°43'26"E., a distance of 47.16 feet; thence S.03°53'20"W., a
30 distance of 14.59 feet; thence S.15°36'18"W., a distance of 14.67 feet; thence
31 N.88°55'31"W., a distance of 8.77 feet; thence S.03°25'47"W., a distance of 99.98
32 feet; thence S.02°57'49"W., a distance of 17.80 feet; thence S.05°37'36"E., a
33 distance of 27.23 feet; thence S.04°18'37"W., a distance of 80.00 feet; thence
34 S.29°03'10"W., a distance of 8.24 feet; thence S.58°12'03"W., a distance of 94.46
35 feet; thence N.44°15'14"W., a distance of 27.06 feet; thence N.05°53'54"W., a
36 distance of 25.96 feet; thence N.00°27'22"E., a distance of 17.67 feet; thence
37 N.06°04'01"E., a distance of 27.63 feet; thence N.08°28'38"E., a distance of 18.79
38 feet; thence N.05°15'40"E., a distance of 45.38 feet; thence N.03°11'25"W., a
39 distance of 68.18 feet; thence N.01°01'22"E., a distance of 189.87 feet; thence
40 N.89°07'33"W., a distance of 4.34 feet; thence N.00°59'43"E., a distance of 79.47
41 feet; thence N.07°26'49"W., a distance of 9.10 feet; thence N.80°53'10"W., a
42 distance of 10.77 feet; thence S.70°37'47"W., a distance of 107.27 feet; thence
43 S.75°11'06"W., a distance of 110.85 feet; thence N.31°25'52"W., a distance of 7.55
44 feet; thence S.45°41'00"W., a distance of 20.00 feet; thence S.12°56'49"E., a
45 distance of 17.13 feet; thence S.23°15'23"E., a distance of 148.59 feet; thence
46 S.22°11'53"E., a distance of 87.98 feet; thence S.22°07'09"E., a distance of 53.48
47 feet; thence S.89°05'36"E., a distance of 11.23 feet; thence S.17°43'53"E., a
48 distance of 22.70 feet; thence S.21°46'32"E., a distance of 46.95 feet; thence
49 S.24°32'10"E., a distance of 32.10 feet; thence S.16°46'14"E., a distance of 25.08

feet; thence S.82°11'34"W., a distance of 7.57 feet; thence S.46°06'51"W., a distance of 15.15 feet; thence S.40°40'00"W., a distance of 8.26 feet; thence S.75°50'28"W., a distance of 27.17 feet; thence N.34°49'37"W., a distance of 9.41 feet; thence N.86°53'25"W., a distance of 13.76 feet; thence S.79°27'09"W., a distance of 14.28 feet; thence S.74°36'52"W., a distance of 18.07 feet; thence S.62°19'33"W., a distance of 46.19 feet; thence S.64°17'02"W., a distance of 13.39 feet; thence S.56°50'06"W., a distance of 6.88 feet; thence S.75°59'06"W., a distance of 3.58 feet; thence N.83°26'32"W., a distance of 14.66 feet; thence N.66°30'52"W., a distance of 3.03 feet; thence N.34°15'31"W., a distance of 2.61 feet; thence N.07°05'54"W., a distance of 3.06 feet; thence N.38°42'24"W., a distance of 2.31 feet; thence N.54°10'15"W., a distance of 4.07 feet; thence N.30°57'03"W., a distance of 4.14 feet; thence N.08°54'19"W., a distance of 17.54 feet; thence N.07°24'27"E., a distance of 11.48 feet; thence N.26°55'05"E., a distance of 20.95 feet; thence N.36°45'25"E., a distance of 8.54 feet; thence N.39°54'31"E., a distance of 8.27 feet; thence N.42°41'53"E., a distance of 8.81 feet; thence N.45°02'39"E., a distance of 10.01 feet; thence N.46°00'46"E., a distance of 10.52 feet; thence N.43°30'16"E., a distance of 22.20 feet; thence N.36°38'25"E., a distance of 9.34 feet; thence N.27°19'49"E., a distance of 8.71 feet; thence N.09°53'03"E., a distance of 8.12 feet; thence N.14°25'46"W., a distance of 5.77 feet; thence N.29°34'21"W., a distance of 8.10 feet; thence N.27°43'11"W., a distance of 8.27 feet; thence N.19°14'14"W., a distance of 6.80 feet; thence N.21°40'53"W., a distance of 7.56 feet; thence N.39°27'59"W., a distance of 3.20 feet; thence N.67°23'31"W., a distance of 2.51 feet; thence S.83°41'23"W., a distance of 3.79 feet; thence S.62°02'51"W., a distance of 11.10 feet; thence S.55°00'14"W., a distance of 96.97 feet; thence S.58°44'30"W., a distance of 27.82 feet; thence S.71°47'47"W., a distance of 29.56 feet; thence S.66°18'30"W., a distance of 129.11 feet; thence S.77°18'41"W., a distance of 49.70 feet; thence N.89°13'39"W., a distance of 18.11 feet; thence S.80°45'45"W., a distance of 75.01 feet; thence N.76°26'39"W., a distance of 10.79 feet; thence S.86°24'08"W., a distance of 12.48 feet; thence S.63°10'25"W., a distance of 19.95 feet; thence S.50°26'45"W., a distance of 9.58 feet; thence S.65°06'48"W., a distance of 5.74 feet; thence S.02°28'04"W., a distance of 15.86 feet; thence S.30°01'28"W., a distance of 12.67 feet; thence S.44°36'29"E., a distance of 15.15 feet; thence S.15°09'31"E., a distance of 195.02 feet; thence S.15°49'58"E., a distance of 26.50 feet; thence S.06°58'48"E., a distance of 24.39 feet; thence S.17°44'08"W., a distance of 19.93 feet; thence S.39°59'05"W., a distance of 10.31 feet; thence S.54°24'35"W., a distance of 10.99 feet; thence S.68°48'10"W., a distance of 11.09 feet; thence S.89°58'27"W., a distance of 21.32 feet; thence N.65°14'43"W., a distance of 10.86 feet; thence N.47°15'08"W., a distance of 12.74 feet; thence N.28°56'26"W., a distance of 19.18 feet; thence N.13°02'50"W., a distance of 63.96 feet; thence N.13°01'37"W., a distance of 70.92 feet; thence N.13°36'04"W., a distance of 113.63 feet; thence N.15°10'25"W., a distance of 100.91 feet; thence N.59°53'45"W., a distance of 5.95 feet; thence S.75°02'38"W., and leaving the said shoreline a distance of 175.86 feet; thence S.14°57'22"E., a distance of 356.02 feet; thence S.59°39'59"W., a distance of 77.48 feet; thence S.30°16'10"E., a distance of 269.50 feet to the said Northwesterly Right-of-Way line of U.S. Highway no. 1; thence N.56°19'10"E., along the said Northwesterly Right-of-Way line of U.S. Highway No. 1 a distance of 792.73 feet to the Point of Beginning. Parcel contains 481,358 square feet or 10.59 acres, more or less.

(c) The uses within the overlay district shall be subject to all land development regulations (i.e setbacks, heights, etc.) including minor conditional and major conditional use regulations of the Monroe County Code.

(d) The Lower Sugarloaf Key Community Center Overlay District densities shall be enforced, in lieu of Section 130-157 Maximum Residential Density and District Open Space and Section 130-162 Maximum Hotel-Motel, RVs and Institutional Residential Densities, and the intensities shall be enforced, in lieu of Section 130-164 Maximum Nonresidential Land Use Intensities and Open Space Ratios and only within the boundaries of the district.

The uses within the overlay district shall be developed with the following density and intensity regulations:

TABLE INSET:

(1) Density and Intensity:

- (a) For the purposes of this overlay district, uses with corresponding density / intensity thresholds shall not be cumulative, except no combination of commercial retail and office shall exceed 20,758ft² FAR.

MAXIMUM DENSITY / INTENSITY BY PROPOSED LOWER SUGARLOAF KEY COMMUNITY CENTER OVERLAY DISTRICT			
Land Use	Density/Intensity	Size of Site (upland)	Max Allowed
Hotel ⁽¹⁾	7.25 Rooms per Acre	10.59 acres	75 Rooms
Office ⁽²⁾	0.045 FAR	461,300.4 sq.ft.	20,758 sq.ft.
Marina ⁽²⁾	0.045 FAR	461,300.4 sq.ft.	20,758 sq.ft.
Perm. Residential	0.25 Units per Acre	10.59 acres	2 units
Commercial Retail - Medium ⁽²⁾	0.045 FAR	461,300.4 sq.ft.	20,758 sq.ft.
Recreational Rentals ⁽¹⁾	2.4 Spaces per Acre	10.59 acres	25 Spaces
Commercial Fishing ⁽²⁾	0.045 FAR	461,300.4 sq.ft.	20,758 sq.ft.
TOTAL DENSITY RESIDENTIAL:			100 transient, 2 market rate units
TOTAL INTENSITY FAR ^(3 & 4) :			20,758ft ²
Affordable / Employee Housing	0.75 Units per Acre	10.59 acres	8 Units
(1) These uses shall not be cumulative.			
(2) A combination of hotel rooms or recreational rentals shall not exceed a total of 100 rooms and/or spaces.			
(3) No combination of commercial retail and office structure shall exceed 20,758 sq.ft. FAR.			
(4) Maximum square footage of any one building or structure shall not exceed 10,000 sq.ft.			

*Maximum square footage of any one building or structure shall not exceed 10,000 square feet. However, cumulative square footage is governed by floor area ratio maximums. The intent of this limitation is to prevent large scale, out of character retail or commercial development.

(2) No Open Space Ratios are modified by this Section 130-131.

1
2 **VII STAFF RECOMMENDATION**

3 Approval of Overlay District only if corresponding Land Use District request for designation
4 of Mixed Use is approved
5

6 **VIII EXHIBITS**

7 A. Maximum Density / Intensity by Current Land Development Regulation (LDR) without
8 Overlay” and “Maximum Density / Intensity by Proposed Lower Sugarloaf Key
9 Community Center Overlay District”
10

11 B. Letter of Development Rights Determination, August 9, 2006
12

13 C. Boundary Survey of Proposed Overlay District and Corresponding Land Use District
14 Request, Page 1 and Page 2

